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AUG 28 2006

PTO/SB/64 (10-05)

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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)		Docket Number (Optional) BB1116USCIP
First named inventor: Stephen M. Allen		
Application No.: 09/931457	Art Unit: 1638	
Filed: August 18, 2001	Examiner: S. F. BAUM	
Title: PLANT AMINO ACID BIOSYNTHETIC ENZYMES		
Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 FAX (571) 273-8300		
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.		
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.		
APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION		
NOTE: A grantable petition requires the following items: (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and (4) Statement that the entire delay was unintentional.		
1. Petition fee <input type="checkbox"/> Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27. <input checked="" type="checkbox"/> Other than small entity - fee \$ 1,500.00 (37 CFR 1.17(m))		
2. Reply and/or fee A. The reply and/or fee to the above-noted Office action in the form of a Petition for a 3 mo Ext. of Time for BB1116 US CIP (identify type of reply): <input type="checkbox"/> has been filed previously on _____ <input checked="" type="checkbox"/> is enclosed herewith. B. The issue fee and publication fee (if applicable) of \$ _____ <input type="checkbox"/> has been paid previously on _____ <input type="checkbox"/> is enclosed herewith.		

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This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Lori Y. Beardell
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Typed or printed name
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Aug. 28, 2006
Date
34,293 / 30,971
Registration Number, if applicable
(302) 992-5481
Telephone Number

Enclosures: ☒ Fee Payment☐ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other: Petition For Extension of Time, Letter accompanying Petition for Extension of Time

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.August 28, 2006
DateLisa Z. Turner
SignatureLisa Z. Turner
Typed or printed name of person signing certificate

AUG 28 2006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF:

STEPHEN M. ALLEN ET AL.

CASE NO.: BB1116USCIP

APPLICATION NO.: 09/931457

GROUP ART UNIT: 1638

FILED: AUGUST 16, 2001

EXAMINER: S. F. BAUM

FOR: PLANT AMINO ACID BIOSYNTHETIC ENZYMES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Letter Accompanying Petition for Revival of an Application For Patent
Abandoned Unintentionally Under 37 CFR §1.137(b)

This letter is submitted along with a Petition for Revival of an Application For Patent Abandoned Unintentionally Under 37 CFR §1.137(b) to set forth the background of this case.

The first application in this family having Application No. 09/424,976 was filed on December 2, 1999. A Restriction Requirement dated July 5, 2001 was issued in connection with Application No. 09/424,976. The deadline for response was August 5, 2001. It appears that instead of responding to the Restriction Requirement, a continuation-in-part application was filed on August 16, 2001 and was accorded Application No. 09/932,457.

An Office Action dated February 9, 2006 was issued in connection with the continuation-in-part application having Application No. 09/932,457, filed on August 16, 2001. In reviewing the files, it was discovered that the papers accompanying the filing of this continuation-in-part back in 2001 should have included a petition for a one month extension of time. It does not appear that the request for a one month extension was included when the continuation-in-part application was filed on August 16, 2001.

Accordingly, a petition to revive the continuation-in-part application having Application No. 09/932,457, filed on August 16, 2001, was submitted on February 28, 2006 as soon as this oversight was discovered.

Application No.: 09/931457
Docket No.: BB1116USCIP

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Applicants were awaiting a decision on this petition. However, after almost five months, Applicants were facing the end of the six month statutory period for response to the Office Action dated February 9, 2006. Since no decision had been received by the August 9, 2006 deadline, Applicants decided to file a continuation application on August 9, 2006. When reviewing the files, it was discovered that the papers accompanying the filing of this continuation on August 9, 2006 should have included a petition for a three month extension of time for Application No. 09/932,457 filed on August 16, 2001.

Applicants respectfully request that the decision on this petition to revive for the above-identified continuation application be considered along with the petition previously submitted on February 28, 2006 with respect to Application No. 09/932,457, filed on August 16, 2001. It appears that in both instances the failure to submit a petition for an extension of time was due to a clerical oversight.

The fee for the three month extension of time is included along with this Letter and the Petition for Revival of an Application For Patent Abandoned Unintentionally Under 37 CFR §1.137(b).

The fee for the one month extension of time accompanied the Petition for Revival of an Application For Patent Abandoned Unintentionally Under 37 CFR §1.137(b) filed on February 28, 2006 with respect to the continuation-in-part application having Application No. 09/932,457, filed on August 16, 2001.

Please charge any fees or credit any overpayment of fees which are required in connection herewith to Deposit Account No. 04-1928 (E. I. du Pont de Nemours and Company).

Respectfully submitted,



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Dated: Aug. 28, 2006